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February 26, 2020

VIA ECF

Hon. Andrew T. Baxter, United States Magistrate Judge
James M. Hanley Federal Building & U.S. Courthouse
100 South Clinton Street
Syracuse, NY 13261

Re: Gonzales v. Agway Energy Services, LLC, Case No. 5:18-cv-00235-MAD-ATB

Dear Judge Baxter:

My office represents Plaintiff Naomi Gonzales (“Plaintiff”) in the above-referenced action. I write jointly with Defendant Agway Energy Services, LLC (“Defendant”) to respectfully request extensions to the current deadlines for the parties to submit their expert reports, to complete discovery, and to move for class certification.

The parties’ joint request is precipitated by Defendant’s unanticipated discovery and production of over 88,300 documents, spreadsheets, and emails on December 19, 2019 and February 12, 2020. Due to the large volume of Defendant’s productions, Plaintiff’s discovery vendor did not complete processing the most recent production of approximately 88,000 documents until February 21, 2020.

On November 12, 2019, Your Honor set the following scheduling deadlines: Plaintiff is to submit her expert disclosures by March 18, 2020; Defendant is to submit its expert disclosures by May 1, 2020; Plaintiff is to submit its rebuttal to Defendant’s expert disclosures by May 16, 2020; discovery is to be completed by June 15, 2020; and any class certification motion is to be filed by July 17, 2020. ECF No. 117.

Because the recent production includes extensive data central to the parties’ forthcoming expert analyses, the parties respectfully request that the Court provide three additional months for Plaintiff to review and assess the new productions, an additional fifteen days for Defendant to

submit its expert analysis, an additional six days for Plaintiff to submit her rebuttal expert report, and corresponding extensions for all remaining deadlines. Accordingly, the parties propose a new schedule as follows: Plaintiff is to submit her expert disclosures by June 16, 2020; Defendant is to submit its expert disclosures by August 14, 2020; Plaintiff is to submit its rebuttal to Defendant's expert disclosures by September 4, 2020; discovery is to be completed by October 5, 2020; and any class certification motion is to be filed by November 5, 2020.

We appreciate the Court's consideration of the parties' request.

Respectfully submitted,

s/ Todd S. Garber

Todd S. Garber

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